

TAB F

In The Matter Of:
Beth Anne M. Collopy vs.
Marquis Management, LLC

*Deposition of Scott R. Watkins
Vol. I
June 16, 2023*

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

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BETH ANNE M. COLLOPY

v.

Civil Action No.
1:22-CV-00184-SE

MARQUIS MANAGEMENT, LLC

* * * * *

DEPOSITION OF SCOTT R. WATKINS

This deposition was taken using Zoom remote videoconferencing technology on Friday, June 16, 2023, commencing at 10:58 a.m.

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1 holding that job title has responsibilities in
2 regard to the network?

3 MS. ZACCARDELLI: Objection to the form.

4 A. I am unsure, as I did not create that job title or
5 this job description.

6 Q. Well, if you can scroll down to No. 6.

7 Does No. 6 state a job duty relating directly
8 to network infrastructure?

9 A. Yes.

10 Q. To your knowledge, was this an accurate
11 description of the position for which she was
12 hired?

13 MS. ZACCARDELLI: Objection to the form.

14 A. I have no idea. As I told you, my knowledge of IT
15 is very limited.

16 Q. Well, would Ms. Collopy have, as part of her
17 hiring process, received a copy of this job
18 description?

19 A. I'm not sure. I don't know.

20 Q. You don't know that employees are given their job
21 descriptions?

22 A. Some employees have received them, other employees
23 have not.

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1 Q. Is that the e-mail you received? Did you receive
2 that e-mail in January?

3 A. Sir, I'm sorry. You keep breaking up. I don't --
4 I think it's when you lean closer to your
5 microphone.

6 Q. Did you receive that e-mail on January 14?

7 A. Yes.

8 Q. And once you received it, what, if anything, did
9 you do?

10 A. I believe I responded to Beth Anne.

11 Q. How did you respond?

12 A. Through an e-mail. As you scroll up, you can see
13 that I responded the next morning at 9:06 a.m.

14 Q. And beyond responding to her, what, if anything,
15 else did you do?

16 A. I tried to schedule a meeting with her, asked
17 her -- told her I would like to meet on Monday, if
18 possible.

19 Q. And did you, in fact, meet with her?

20 A. On Monday, which would have been the 18th, yes, I
21 believe I did.

22 Q. And tell me what your recollections are of that
23 meeting.

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1 A. I remember meeting with Beth Anne. I had Nikolina
2 Gobron with me to take notes, and we went through
3 each one of Ms. Collopy's concerns.

4 Q. Did you notify Mr. Jon Marquis of this complaint?

5 A. I don't believe I did, no.

6 Q. Did you notify him at any point?

7 A. I don't think I discussed it with him. I believe
8 I discussed it with Chris Moore, as he sent me the
9 e-mail.

10 Q. Do you report to Mr. Moore?

11 A. Yes, I do.

12 Q. Following this meeting on the 18th, did you
13 undertake an investigation?

14 A. Yes. I looked into Beth Anne's concerns. As I
15 said, this e-mail was very concerning.

16 Q. Did anybody aside from yourself assist you with
17 the investigation?

18 A. I believe, when I spoke to Irving Santos, Chris
19 Moore was with me, as he was head of the -- the de
20 facto head of IT at that time.

21 Q. As part of your investigation, did you review any
22 records?

23 A. No, I don't believe I did.

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1 Q. Did you interview any witnesses?

2 A. I spoke to people, correct.

3 Q. Who did you speak to?

4 A. Irving Santos, Erin Lyle, and Tina Radigan, whose
5 now last name is Bailey.

6 Q. Now, Ms. Collopy worked with three other people at
7 the help desk; is that correct?

8 A. Than those named, yes.

9 Q. And all three are male, or were male?

10 A. Correct.

11 Q. Did you interview any one of the three of them?

12 A. I did not.

13 Q. Was there a reason you decided not to interview
14 them?

15 A. Because I received the information I need from the
16 other three individuals that confirmed what
17 Ms. Collopy was telling me.

18 Q. Did you take any notes of your interviews?

19 A. If I had, I would have turned those over; so
20 unless you received some, I don't believe so. I
21 can't recall.

22 Q. In speaking with the witnesses, did you give them
23 any instructions?

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1 MS. ZACCARDELLI: Objection to form.

2 A. I asked them not to repeat these conversations.

3 Q. Sir, not to what these instructions?

4 A. I did not ask them to repeat any of the
5 conversations that we had. It was confidential.

6 Q. Did any of these witnesses express animosity
7 towards Ms. Collropy?

8 A. I believe Irving Santos was frustrated, but I
9 wouldn't call it an animosity, no. The other two
10 were fine with Ms. Collropy.

11 Q. And what was -- what was the source of his
12 frustration?

13 A. Irving had stated that she was downloading big
14 chunks of information from our servers without any
15 authorization.

16 Q. Did he have any other reason to -- other complaint
17 or criticism of her?

18 A. I'm sorry. Can you repeat that?

19 Q. Did he have any other complaint or criticism
20 regarding her?

21 A. I believe he said that he didn't believe she was
22 very productive, but I believe that's it.

23 Q. Now, did you talk to Ms. Collropy about this

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1 Q. All right. I'd like you to have a chance to
2 review this document marked as Exhibit 11.

3 THE DEPONENT: The controls are not really
4 working.

5 A. Okay.

6 Q. All right. Sir, if you scroll back up to No. 2.

7 A. I'm sorry. What number?

8 Q. No. 2. Now, are these notes of the two meetings
9 that you had with Ms. Collopy?

10 A. These were notes that Nikolina Gobron took of our
11 first meeting, in which she told me about her
12 concerns, and the second meeting after I looked
13 into her concerns.

14 Q. Were these meetings -- were these notes ever
15 shared with Ms. Collopy?

16 A. I don't believe so.

17 Q. To the best of your recollection, are these notes
18 accurate in terms of what happened at the
19 meetings?

20 A. Yes.

21 Q. Now, No. 2a, Ms. Collopy complains about lack of
22 access, and says she's the only one limited; all
23 the other men have no problem with access.

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1 Based on your investigation, was that an
2 accurate complaint?

3 MS. ZACCARDELLI: Objection to form.

4 A. From what I learned, it was not accurate.

5 Q. Why was it not accurate?

6 A. Access was being limited for everyone based on the
7 cyber attack that happened, I believe it was
8 December 4th or 5th.

9 Q. And what do you base that information on, or that
10 conclusion?

11 A. I base that off of what Irving Santos said to us
12 when we spoke with him.

13 Q. Aside from Santos saying that access was reduced
14 for everybody, do you have any other basis for
15 saying -- for reaching that conclusion?

16 A. I believe that Chris Moore confirmed this with the
17 cyber attack company that we were dealing with.

18 Q. Is that what Mr. Moore told you?

19 A. I believe so. I would have only heard it from
20 either Chris Moore or Irving Santos.

21 Q. Drawing your attention, sir, to No. 3, in which
22 she complains about having her documents reviewed
23 by Matt and Irving, did you investigate that

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1 allegation?

2 A. I did.

3 Q. And what did you determine?

4 A. So when she had mentioned to me that it was an
5 integrity issue, she never told me about tickets
6 being changed, but told me that it was an
7 integrity issue because Matt and Irving were
8 viewing the documents that she had on the system.
9 So, as you see here, under "a" she says, "It is an
10 integrity problem."

11 So I believe earlier I misspoke when I said
12 that I confirmed that her tickets were being
13 changed. I don't think I learned about that until
14 these depositions. She did say that they were
15 accessing her files or documents. I confirmed
16 that that did occur.

17 Q. How did you determine that did occur?

18 A. Because I spoke to both Irving -- I'm going to say
19 I spoke to Irving. I'm not quite sure if I spoke
20 to Matt about that. According to Beth Anne, Matt
21 had only accessed them on December 2 and had never
22 done it again. I also didn't see it as a problem.

23 Q. You didn't see it as a problem, him accessing her

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1 A. Okay.

2 Q. My question is: Did you investigate that
3 allegation?

4 A. I did speak to, I believe, Erin Lyle about this,
5 and she said that everyone was on edge due to Dan
6 leaving and also the cyber attack; so, yes, there
7 was some disconnect within the department.

8 Q. But was Ms. Lyle a member of the help team?

9 MS. ZACCARDELLI: Objection to the form.

10 A. She was a member of the IT department.

11 Q. Was she a member of the help desk team?

12 A. No.

13 Q. Did you ask anybody on the help desk team about
14 this allegation?

15 A. I do not recall.

16 Q. Address your attention now to No. 5 --

17 A. Okay.

18 Q. -- with the heading "Requests for help not
19 answered."

20 Did you investigate that allegation?

21 A. Yes.

22 Q. How did you investigate it?

23 A. I believe she was speaking about Irving Santos,

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1 and so I spoke to him along with Chris Moore.

2 Q. What's your basis for saying that she was talking
3 about Mr. Santos?

4 A. Because she was saying that Irving was not
5 responding to her. If you see under c, No. II,
6 Irving said, "I'll get to it. I'm busy and can't
7 troubleshoot your chat now."

8 I believe she was talking about her Teams
9 meeting chats.

10 Q. It says, "Her requests for help are marked as
11 unimportant and there is no sense of urgency on
12 anything she asks."

13 So you said you spoke to Mr. Santos about
14 that?

15 A. Those are her words and not mine.

16 Q. I know, but that's what she complained about,
17 right?

18 MS. ZACCARDELLI: Objection to form.

19 A. She complained about requests about her Microsoft
20 Teams chats, correct.

21 Q. No. I'm not -- it says, "All her requests for
22 help (tickets) are marked as unimportant and there
23 is no sense of urgency on anything she asks."

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1 That's 5a. Is that an accurate statement of
2 her complaint on that subject?

3 A. I believe she put in tickets to Irving Santos
4 about her Teams chats, as I've already answered.

5 MS. ZACCARDELLI: I'm sorry. I'm sorry.

6 Mr. Meyer, let him answer your question. He's
7 answering your question. Please don't interrupt
8 the witness until he finishes answering the
9 question.

10 MR. MEYER: He definitely was not answering
11 the question, but I certainly --

12 MS. ZACCARDELLI: He is answering the
13 question. He's absolutely answering the question.
14 He's explaining to you what "a" is related to.

15 Q. (BY MR. MEYER) Sir, do you know what Microsoft
16 Team is?

17 A. Yes.

18 Q. What is it?

19 A. It is a way for people to video conference, and I
20 believe it came to my attention that there is a
21 chat option on there or a texting type of, part of
22 it.

23 Q. Does Microsoft Team include anything regarding

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1 tickets? Did you send help tickets through
2 Microsoft Team?

3 A. No, but you would send in a ticket if you had an
4 issue with Microsoft Team.

5 Q. Right. But when she says, 5a, "All her requests
6 for help (tickets) are marked as unimportant," do
7 you interpret that to mean the complaint about
8 deletion of Microsoft Team and nothing else?

9 MS. ZACCARDELLI: Objection to form.

10 Q. Is that your interpretation?

11 A. I believe she's saying the requests that she put
12 in for help through issuing a ticket to Irving
13 Santos was marked as "no urgency" by Irving
14 Santos, and she was frustrated by that.

15 Q. And what did Mr. Santos -- what was Mr. Santos'
16 response to that?

17 A. Mr. Santos said that he was dealing with a cyber
18 attack, as he was our point person with the
19 companies that we were using to remediate it, so
20 could not get to that.

21 Q. Now, you had earlier referenced deleted files on
22 Microsoft Team. What, if any, files were deleted
23 on Microsoft Team?

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1 Q. Sir, if you could go down under the second
2 meeting, 1/25/21.

3 THE DEPONENT: I no longer have control.

4 (Reporter interjects.)

5 A. Okay.

6 Q. Sir, while you were conducting this investigation,
7 did you discuss it with Mr. Fruhbeis?

8 A. I don't believe so. I believe the only thing that
9 we spoke to Mr. Fruhbeis about was access for
10 certain roles without getting into the reasoning
11 why we were asking.

12 Q. Did Mr. Fruhbeis --

13 MS. ZACCARDELLI: I can't hear you. I
14 cannot hear you, Jon.

15 Q. Had Mr. Fruhbeis been hired at that point by
16 Marquis?

17 A. I can't remember the date of his offer letter. I
18 believe so.

19 Q. Tell me, as best you can recall, what the
20 conversation you had with him, what you said and
21 what he said.

22 A. I don't know past the generality that we spoke
23 about access for individuals during the cyber

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1 MS. ZACCARDELLI: Objection to form.

2 A. I believe so, yes.

3 Q. Did you do anything to follow up or investigate
4 this data?

5 A. I believe this is where Chris and I spoke with
6 Irving Santos.

7 Q. Did you show him this e-mail?

8 A. Did I show who?

9 Q. Mr. Santos.

10 A. No.

11 Q. Aside from talking to Mr. Santos about it, did you
12 do any other type of investigation of this
13 particular information?

14 A. I don't believe anything else was needed, as
15 Mr. Santos confirmed that he had.

16 MR. MEYER: Megan, can you please put
17 Exhibit 10 on the screen.

18 (Document screen-shared.)

19 Q. Sir, if you could scroll down to your e-mail on
20 the bottom of the page. Have you had a chance to
21 read that e-mail, sir?

22 A. Yes.

23 Q. Now, it says at that point -- there's an apparent

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1 parentheses in the first sentence, which says,
2 "Still digging deeper into all of the facts."

3 What were you doing to investigate at that
4 point?

5 A. I can't remember the timeline of my investigation
6 but I'm sure I was finishing up.

7 Q. You say, "I do believe there is an issue with how
8 access privileges have been determined by Irving."

9 What was the issue in your mind?

10 A. I believe Irving restricted members within the IT
11 department without seeking authorization from
12 Chris to do so based on recommendations by the
13 cyber mitigation team we had contracted with.

14 Q. Sir, was Irving aware that Ms. Collopy alleged
15 that she was -- he was excessively restricting her
16 access?

17 MS. ZACCARDELLI: Objection to the form.

18 A. I don't understand your question.

19 Q. Was Irving -- did you notify Irving that
20 Ms. Collopy was alleging that he was restricting
21 her access and monitoring her private
22 communication?

23 A. I don't believe I told Irving that it was coming

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1 Fruhbeis?

2 A. I was part of the interview process. I sent him
3 the offer letter. I let him know that the
4 position was available through my sister. That's
5 about it.

6 Q. Aside from your involvement, what else occurred as
7 part of the hiring process?

8 A. We posted the position. We interviewed I believe
9 it was three or four different candidates. I set
10 up interviews with both the IT team, as well as
11 the senior managers, including myself and Chris
12 Moore.

13 Q. Did you brief him about the position? Did you
14 brief him about the position before he was hired?

15 A. I believe I sent him the job description.

16 Q. Did you discuss with him before he was hired any
17 issues with the help desk?

18 A. No.

19 Q. Did you -- after he was hired, did you advise him
20 that there were issues or concerns with the help
21 desk?

22 A. No.

23 Q. Did you advise him that Mr. Santos had recently

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1 received a written warning?

2 A. No.

3 Q. Was your -- the fact that you didn't give him any
4 of this information, was that intentional?

5 A. Yes.

6 MS. ZACCARDELLI: Objection to the form.

7 Q. What was your -- what was the reason behind your
8 omission?

9 A. Mike Fruhbeis had requested, and even if he
10 hadn't, it's common practice for me to not tell a
11 manager coming in any kind of issues or concerns
12 because we believe that they can -- they should
13 form their own opinion on the team and the
14 department.

15 Q. Did you ever convey to him any concerns about the
16 potential for retaliation?

17 A. Ever?

18 Q. Ever.

19 A. Yes.

20 Q. Okay. And when did you discuss with him the issue
21 of retaliation?

22 A. I believe once Beth Anne Collopy had gone and
23 brought it up with Mike Fruhbeis in a meeting.

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1 brought to my attention before. And I believe
2 Mike told me that he had asked if it was still
3 continuing. And I don't believe it had been. I
4 believe that she was happy. Ms. Collopy had
5 expressed to me that she was very happy with the
6 hiring of Mike Fruhbeis.

7 Q. Wait. Ms. Collopy expressed to you that she was
8 very happy?

9 A. With the hiring of Mike Fruhbeis.

10 Q. Right. But did she ever express to you that the
11 problems in the help team were not continuing?

12 MS. ZACCARDELLI: Objection to the form.

13 A. We had asked her if there was any kind of
14 continuation, to let us know immediately; and
15 since we didn't hear from her, we believed that
16 everything was okay.

17 Q. When you asked her that, was that at that meeting
18 on the 21st?

19 A. Yes.

20 MS. ZACCARDELLI: Objection to the form.

21 Q. I'm sorry. The meeting on the 25th.

22 So that's what Mr. Fruhbeis said to you.

23 What did you say to him?

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1 A. I asked him if there was any new concerns that I
2 should know about, and what did -- how did he
3 respond. He told me he responded that if there
4 were any kind of issues, that she should go to me
5 directly.

6 Q. And you told him that she already had?

7 A. Well, I had told him that this had happened in
8 January and, again, reiterate to her if there was
9 any new concerns, I needed to know right away so I
10 could address them. Again, I'm paraphrasing here.

11 Q. Did the issue of retaliation come up in your
12 conversation with Mr. Fruhbeis?

13 A. No.

14 Q. When you hired Mr. Fruhbeis, did you or anybody
15 else ask him to reorganize the department?

16 A. No. Well, not that I'm aware of. I did not.

17 Q. How did you find out about his plan to terminate
18 Ms. Collopy?

19 MS. ZACCARDELLI: Objection to form.

20 A. I believe he told me that he was evaluating the
21 department and didn't believe that he had the
22 right people in the right positions.

23 Q. Was he more specific than that?

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1 Q. But how did he know what her earlier concerns
2 were?

3 A. Well, again, I'm paraphrasing. I'm sure he
4 discussed what the concerns were, and I asked him
5 if there was anything new other than that, as we
6 had discussed that and had resolved that in
7 January.

8 Q. Resolved that in January?

9 A. We had resolved her concerns.

10 Q. Is there any documentation from you or her her
11 concerns were resolved?

12 A. I don't believe so.

13 Q. She complained of gender discrimination, correct?
14 MS. ZACCARDELLI: Objection to the form.

15 Q. Did she complain of gender discrimination?

16 A. At what time?

17 Q. When you met with her in January.

18 A. Yes.

19 Q. Okay. And did you make a determination as to
20 whether gender discrimination had occurred?

21 MS. ZACCARDELLI: Objection to the form.

22 A. In my e-mail to her it stated that I do not
23 believe that there was any type of gender

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1 Q. She complained to you in the January meeting about
2 how other team members treated her; is that
3 correct?

4 MS. ZACCARDELLI: Objection to the form of
5 the question.

6 A. I'm sorry. There's a lot of feedback coming from
7 you when you lean forward.

8 Q. Did she complain to you at your meeting with
9 him -- at your meeting with her about how other
10 team members treated her?

11 MS. ZACCARDELLI: Objection to the form.

12 A. Which meeting?

13 Q. The meeting on January 18.

14 A. Yes.

15 Q. Okay. And in your mind was that problem resolved?

16 A. Not on January 18 it was not, but when we spoke on
17 January 25, yes.

18 Q. On January 25 that meeting -- that issue was
19 resolved?

20 A. I believe so, yes.

21 MR. MEYER: Can you please put Exhibit 11
22 back on the screen.

23 (Document screen-shared.)

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problems with her? Why don't they want to help or work with me?

3 In your opinion is that a statement by her,
4 as paraphrased, of resolution?

5 MS. ZACCARDELLI: Objection to the form.

6 A. These are questions. I can't recall the answers
7 that were given to her.

8 Q. Are those questions consistent with her saying the
9 problems had been resolved?

10 MS. ZACCARDELLI: Objection to the form.

11 A. No, but me saying that "Measures were taken. The
12 problem was taken seriously. If everything else
13 comes up, inform us right away."

14 She did not. So -- so, to my belief, nothing
15 else came up.

16 Q. What measures were taken to improve her
17 relationship with other members of the team?

18 MS. ZACCARDELLI: Objection to the form.

19 A. I don't know. She was told she could work from
20 home if she'd like to. She did not want to engage
21 with the other members of that department.

22 MR. MEYER: Put on the screen Exhibit 16.

23 (Document screen-shared.)

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1 position as contrasted to eliminating the position
2 of one of the other members of the help desk team?

3 MS. ZACCARDELLI: Objection to the form.

4 Objection to the form.

5 A. The only rationale I have is what you see here in
6 this document. You would have to ask Mike
7 Fruhbeis.

8 Q. So you yourself don't know what the rationale was?

9 MS. ZACCARDELLI: Objection to the form.

10 A. I'm saying all I know is what's on this document.

11 Q. Does this document state what the rationale is for
12 eliminating her position as compared to one of the
13 three others?

14 A. Yes.

15 Q. What is that rationale?

16 A. "Beth Anne does not have the skill set needed to
17 perform either of the newly created positions that
18 are needed for the success of the IT department.

19 There is also a high level of tension and
20 negativity when Beth Anne is on a project or
21 working with team members. This causes delays,
22 inefficiencies within the team and creates morale
23 issues. She also feels that certain

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1 responsibilities are beneath her and refuses to
2 learn most help desk functions like device setup
3 and configuration, device deployment and
4 troubleshooting tickets."

5 He also goes on further to give a summary, if
6 you'd like me to read that as well.

7 Q. So your only understanding is what you just read?

8 A. I told you we relied on the vice president of
9 technology to go and make decisions based off his
10 department.

11 Q. Did Ms. Collopy ever tell you -- did Ms. Collopy
12 ever tell you --

13 A. As I would a project manager, if the president of
14 New England Finish told me that that person wasn't
15 qualified for that role.

16 Q. Well, as HR manager, don't you have some role in
17 terms of qualifications? Isn't that part of your
18 job, to evaluate qualifications?

19 A. No. It's the hiring manager's job.

20 Q. Well, getting back to your conversation with
21 Mr. Fruhbeis, was anything else said other than
22 what you've already stated?

23 A. Not that I recall.